

## **DETAILED ACTION**

### ***Response to Amendment***

1. Newly submitted claims 120-139 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claims 120, 132 and 138 recite accessing a predefined comment applicable from a first user to a second user, the predefined comment including a predefined word in a first language of a plurality of languages supported by a network-based transaction system used to process a transaction between the first user and the second user, the predefined word being applicable to the second user, the first user and the second user being users of the network-based transaction system; generating a modified comment based on the predefined comment, the modified comment being a version of the predefined comment and including a modified word in a second language of the plurality of languages, the second language being distinct from the first language, the modified comment being applicable to the second user; and presenting the modified comment as selectable by the first user as a statement of an opinion held by the first user regarding the transaction between the first user and the second user.

Whereas, claims 95-119 include presenting a predefined feedback comment using an Internet connection to a first user in response to an online payment transaction between the first user and a second user and at the request of the first user, the predefined feedback comment including a field substitutable with a name, the name being of the first user, of the second user, or of an item referenced by the

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online payment transaction, the presenting of the predefined feedback comment including displaying the name; and receiving a selection of the predefined feedback comment from the first user, the selection representative of feedback that the first user is supplying and that is to be associated with the second user with respect to the online payment transaction.

As such, claims 95-119 are not concerned with, inter alia, accessing a predefined comment applicable from a first user to a second user, the predefined comment including a predefined word in a first language of a plurality of languages supported by a network-based transaction system, and generating a modified comment based on the predefined comment, the modified comment being a version of the predefined comment and including a modified word in a second language of the plurality of languages.

2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 120-139 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

In addition, “[t]he general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the

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basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right).” See MPEP § 819.

3. The amendment filed on March 4, 2010 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

### ***Conclusion***

4. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRE BOYCE whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Andre Boyce/  
Primary Examiner, Art Unit 3623  
December 3, 2012